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PUBLISHED BY AUTHORITY

Vol. VI. No. 16

Trivandrum, Wednesday, 16th March 1955|2nd Meenam 1130.

NOTIFICATION

No. LD. (b) 3-184|55|Law.

The following Ordinance, promulgated by His Highness the Rajpramukh, is hereby published for general information.

By order of His Highness
the Raj Pramukh,

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

Government Secretariat,
Law Department,
Trivandrum,
Dated 16th March 1955.

ORDINANCE No. I OF 1955.

THE HOLDINGS (STAY OF EXECUTION PROCEEDINGS) AMENDMENT ORDINANCE, 1955.

Promulgated by His Highness the Rajpramukh in the Sixth Year of the Republic of India.

An Ordinance further to amend the Holdings (Stay of Execution Proceedings) Act, 1950.

Preamble. WHEREAS the Legislative Assembly of the State of Travancore-Cochin is not in session and His Highness the Rajpramukh is satisfied that circumstances exist which render

it necessary for him to take immediate action further to amend the Holdings (Stay of Execution Proceedings) Act, 1950 (Act VIII of 1950) as amended by Acts I of 1951, VII of 1952, IV of 1953 and I of 1954 for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India read with Article 238 thereof, His Highness the Rajpramukh hereby promulgates the following Ordinance:—

1. **Short title and commencement.** (1) This Ordinance may be called the Holdings (Stay of Execution Proceedings) Amendment Ordinance, 1955.

(2) It shall come into force at once.

2. **Amendment of Section 4, Act VIII of 1950.** In Section 4 of the Holdings (Stay of Execution Proceedings) Act, 1950 (Act VIII of 1950) as amended by Acts I of 1951, VII of 1952, IV of 1953 and I of 1954, for the words "five years", the words "five years and two months" shall be substituted.

Ramavarma **RAMA VARMA,**

Rajapramukh **RAJPRAMUKH.**

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Extraordinary Gazette No. 26 dated 16-4-1955.

NOTIFICATION.

No. LA4-474/1955. *16th April 1955.*

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Travancore-Cochin Legislative Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary
Legislative Assembly.

THE HOLDINGS (STAY OF EXECUTION PROCEEDINGS) AMENDMENT BILL, 1955.

A Bill further to amend the Holdings (Stay of Execution Proceedings) Act, 1950.

Preamble. WHEREAS it is deemed necessary further to amend the Holdings (Stay of Execution Proceedings) Act, 1950 (Act VIII of 1950), as amended by Acts I of 1951, VII of 1952, IV of 1953, I of 1954 and Ordinance I of 1955, for the purpose hereinafter appearing;

Be it enacted in the Sixth Year of the Republic of India as follows:—

1. *Short title and commencement.* (1) This Act may be called the Holdings (Stay of Execution Proceedings) Amendment Act, 1955.

(2) It shall come into force at once.

2. *Amendment of Section 4, Act VIII of 1950.* In Section 4 of the Holdings (Stay of Execution Proceedings) Act, 1950 (Act VIII of 1950), as amended by Acts I of 1951, VII of 1952, IV of 1953, I of 1954 and Ordinance I of 1955, for the words "five years and two months", the words "five years and six months" shall be substituted.

3. *Repeal.* The Holdings (Stay of Execution Proceedings) Amendment Ordinance, 1955 (Ordinance I of 1955), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The period of operation of the Holdings (Stay of Execution Proceedings) Act, VIII of 1950, as amended from time to time, was due to expire on the 24th March 1955. The Bills relating to land reforms introduced by the Government have not been passed into law. It, therefore, became necessary further to extend the period of operation of the Act for a short period. This could be done only by promulgating an Ordinance since it was considered not possible to have a Bill for the purpose passed before the 24th March. Accordingly, His Highness the Rajpramukh promulgated the Holdings (Stay of Execution Proceedings) Amendment Ordinance, 1955 (Ordinance I of 1955) for extending the period of operation of the principal Act by two months. The present Bill is intended to replace the Ordinance by an Act of the Legislature and provision has been made extending the period of the stay by six months from 24th March 1955.

A. J. JOHN.

Extraordinary Gazette No. 26 dated 16-4-1955.

NOTIFICATION.

No. LA4-473|55. *16th April 1955.*

The following Bill together with the Statement of Objects and Reasons and the Financial Memorandum attached to it, is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Travancore-Cochin Legislative Assembly.

Legislature Secretariat,
Trivandrum,

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE MUNICIPAL AND PANCHAYATS (AMENDMENT) BILL, 1955.

A Bill further to amend the Trivandrum City Municipal Act, the Cochin Municipal Act, XVIII of 1113 and the Travancore-Cochin Panchayats Act, 1950.

Preamble. Whereas it is expedient further to amend the Trivandrum City Municipal Act, 1116 (Act IV of 1116), the Cochin Municipal Act, XVIII of 1113 and the Travancore-Cochin Panchayats Act, 1950 (Act II of 1950), for the purposes hereinafter appearing;

Be It enacted in the Sixth Year of the Republic of India as follows:

1. *Short title and commencement.* (1) This Act may be called the Municipal and Panchayats (Amendment) Act, 1955.

(2) It shall come into force at once.

2. *Insertion of new Section 434A in the Trivandrum City Municipal Act.* After Section 434 of the Trivandrum City Municipal Act, 1116 (Act IV of 1116), the following section shall be inserted, namely: —

Delegation of powers by the Government. "434A. The Government may, by notification in the Gazette, authorise any person to exercise any one or more of the powers vested in them by this Act, except the powers mentioned in Chapter II, the power to sanction prosecutions under sub-section (3) of Section 423 the power to exempt from payment of taxes or fees under Section 433, and the power to make rules under Sections 62, 364 and 371 and may in like manner withdraw such authority."

3. *Insertion of new section 367A in the Cochin Municipal Act, XVIII of 1113.* After Section 367 of the Cochin Municipal Act, XVIII of 1113, the following section shall be inserted, namely: —

STATEMENT OF OBJECTS AND REASONS.

The period of operation of the Holdings (Stay of Execution Proceedings) Act, VIII of 1950, as amended from time to time, was due to expire on the 24th March 1955. The Bills relating to land reforms introduced by the Government have not been passed into law. It, therefore, became necessary further to extend the period of operation of the Act for a short period. This could be done only by promulgating an Ordinance since it was considered not possible to have a Bill for the purpose passed before the 24th March. Accordingly, His Highness the Rajpramukh promulgated the Holdings (Stay of Execution Proceedings) Amendment Ordinance, 1955 (Ordinance I of 1955) for extending the period of operation of the principal Act by two months. The present Bill is intended to replace the Ordinance by an Act of the Legislature and provision has been made extending the period of the stay by six months from 24th March 1955.

A. J. JOHN.

Delegation of powers by the Government. "367A. The Government may, by notification in the Gazette, authorise any person to exercise any one or more of the powers vested in them by this Act except the powers mentioned in Chapters II and III, the power to fix the amount of contribution under Section 148, the power to make rules under sub-section (2) of Section 71 A and Section 314, the power to alter, add to or cancel the Schedules under Section 315 and the power to sanction prosecutions under Section 357 and may in like manner withdraw such authority."

4. *Amendment of Section 2 of the Travancore-Cochin Panchayats Act, 1950.* For clause (4) of Section 2 of the Travancore-Cochin Panchayats Act, 1950 (Act II of 1950), the following clause shall be substituted, namely :—

"(4) "Director" means the Director of Local Bodies appointed by the Government and includes an acting or officiating Director and also any officer appointed by the Government to exercise or to be in charge of the functions of the Director."

STATEMENT OF OBJECTS AND REASONS.

Under the Trivandrum City Municipal Act, the Travancore District Municipalities Act, the Cochin Municipal Act and the Travancore-Cochin Panchayats Act, the Government have a variety of powers to exercise and functions to perform. A large number of these powers and functions are administrative in character. Experience has shown that these powers and functions can with advantage be exercised and performed through an agency to whom these powers and functions are delegated. It is considered that a Director of Local Bodies appointed for this purpose and to whom such of the powers and functions of the Government as are administrative in character are delegated will be able promptly to attend to the needs of the Local bodies and to effectively supervise and control the affairs of such bodies. Accordingly, it is proposed to appoint an officer as the Director of Local Bodies who will be assisted by subordinate officers and necessary staff. Section 387 of the Travancore District Municipalities Act confers on Government power to authorise any person to exercise anyone or more of their powers under that Act except those mentioned in that section. Government have no similar power of delegation under the Trivandrum City Municipal Act or under the Cochin Municipal Act. In order, therefore, to implement the above proposals, it is considered necessary to suitably amend the Trivandrum City Municipal Act and the Cochin Municipal Act to confer on Government power to delegate such of their powers under those Acts as are necessary. In the case of Panchayats, the Director of Panchayats is already invested with certain statutory powers and functions. It is considered that the Director of Local Bodies should exercise the powers and perform the functions of the Director of Panchayats and that for that purpose, the Panchayats Act should be suitably amended. The Bill is intended to give effect to the above proposals.

FINANCIAL MEMORANDUM.

The provisions of the Bill if enacted and implemented will involve expenditure out of the Consolidated Fund of the State. In order to exercise and perform the powers and functions of the Government which are of administrative and executive character through an agency to be appointed for the purpose, it is proposed to appoint a Director of Local Bodies who will be assisted by subordinate officers and the necessary staff. It may be necessary to incur expenditure from the Consolidated Fund of the State by way of pay, T. A. and other expenses for the Director of Local Bodies and his subordinate officers and staff. But the actual amount to be expended on this account cannot be estimated now, as the pay, T. A. etc. of the Director of Local Bodies and his staff (to be appointed) have not yet been fixed. The expenditure is recurring and will be met from the funds of the Panchayat Department, which forms the nucleus of the Local Self Government Department.

K. Kochukuttan.